

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

To a Constable of the Town of Shrewsbury in the County of Worcester

GREETING:

In the name of the Commonwealth of Massachusetts you are directed to notify and warn the inhabitants of Shrewsbury qualified to vote in elections and town affairs, to meet at the several designated polling places in their respective precincts in said Shrewsbury, to wit:

Precinct 1	Richard D. Carney Municipal Office Building 100 Maple Avenue
Precinct 2	Frohsinn Club 25 North Quinsigamond Avenue
Precinct 3	Calvin Coolidge School Florence Street
Precinct 4	Scandinavian Athletic Club 438 Lake Street
Precincts 5 and 8	Sewer and Water Department 209 South Street
Precinct 6	Senior Center 98 Maple Avenue
Precinct 7	Spring Street School off 121 Spring Street
Precinct 9	Liberty Assembly of God Church 495 Hartford Turnpike

on Monday, the third day of May A.D., 2004, then and there to act upon the following article:

To vote by ballot for the election of the following named Town Officers, to wit:

TWO	Selectmen to be elected for three years
TWO	School Committee members to be elected for three years
THREE	Trustees of Public Library to be elected for three years
ONE	Shrewsbury Housing Authority member for five years

Representative Town Meeting Members for each precinct as follows:

- Precinct 1 EIGHT to be elected for 3 years
 ONE to be elected for 1 year to fill vacancy
- Precinct 2 NINE to be elected for 3 years
 ONE to be elected for 2 years, to fill vacancy
- Precinct 3 NINE to be elected for 3 years
- Precinct 4 NINE to be elected for 3 years
- Precinct 5 NINE to be elected for 3 years
 ONE to be elected for two years to fill vacancy
- Precinct 6 NINE to be elected for 3 years
- Precinct 7 NINE to be elected for 3 years
- Precinct 8 NINE to be elected for 3 years
 ONE to be elected for 2 years, to fill vacancy
 TWO to be elected for one year to fill vacancy
- Precinct 9 NINE to be elected for 3 years

Question:

Shall the Town of Shrewsbury be allowed to assess an additional \$1,200,000 in real estate and personal property taxes for the purposes of funding the School Department for the fiscal year beginning July 1, 2004?

YES_____

NO_____

The polls will be open at seven o'clock ante meridian and close at eight o'clock post meridian, at each and all said precincts, and all of the above officers are to be voted for on one ballot.

You are further hereby directed to notify and warn the said inhabitants of the Town of Shrewsbury to meet at the Senior High School Auditorium located at 64 Holden Street, in said

Shrewsbury on Monday, the seventeenth day of May, A.D., 2004 at seven o'clock post meridian, at which time and place the following articles will be acted upon and determined exclusively by Town Meeting members, in accordance with the provisions of Chapter 553 of the Acts of 1953 and subject to the referendum provided for by section sixteen of said Act.

ARTICLE 1

To receive the reports of Town officers and committees and to act thereon.

ARTICLE 2

To choose the trustees of the Wright and Harlow Charitable Fund.

ARTICLE 3

To see if the Town will amend the Classification and Compensation Plan and the Consolidated Personnel Bylaw.

ARTICLE 4

To see if the Town will amend the Consolidated Personnel Bylaw.

ARTICLE 5

To see if the town will raise and appropriate a sum of money to pay the medical expenses of retired disabled police officers and firefighters.

ARTICLE 6

To see if the Town will transfer a sum of money from available funds in the treasury and appropriate said sum to various departmental appropriations for Fiscal 2004.

ARTICLE 7

To see if the Town will raise such sums of money by tax as may be deemed necessary to pay Town debts and charges and appropriate the same as they may see fit.

ARTICLE 8

To see if the Town will raise and appropriate or transfer from available funds in the Treasury such sums of money as may be deemed necessary to fund the costs associated with the adoption of an Omnibus Capital Budget for the fiscal period beginning July 1, 2004.

ARTICLE 9

To see if the Town will transfer a sum of money from the Sale of Cemetery Lots account to the Cemetery Department for the care, improvement, embellishment or enlargement of the Cemetery.

ARTICLE 10

To see if the Town will raise and appropriate the necessary sum of money to pay departmental bills contracted in prior years.

ARTICLE 11

To hear and act upon the report of the Board of Selectmen in laying out and making public the following streets, in whole or in part, as shown on plans filed in the office of the Town Clerk, and authorize the Selectmen to acquire by eminent domain an easement therein for all the purposes of a Town way and all necessary drainage easements.

POSSIBLE STREETS

1. **AMHERST ROAD**
2. **ARROWWOOD DRIVE (P/O)**
3. **ASHTON DRIVE**
4. **ASPEN ROAD**
5. **BERKSHIRE ROAD**
6. **CHARTWELL CIRCLE**
7. **CLAREMONT CIRCLE**
8. **CRANBROOK ROAD (P/O)**
9. **FARMINGTON DRIVE**
10. **JAMIE LANE**
11. **ROCKWELL DRIVE**
12. **WHITEHALL CIRCLE**
13. **NORTH STREET (P/O)**

SUBDIVISION

MARSHALL ESTATES
COUNTRY MEADOWS II
WINCHESTER ESTATES II
ASPEN HILL
MARSHALL ESTATES
WINSTON RIDGE ESTATES
MARSHALL ESTATES
JAMESTOWN HEIGHTS
WINCHESTER ESTATES II
HIGH MEADOW ESTATES
WINCHESTER ESTATES I & II
WINSTON RIDGE ESTATES
HIGH MEADOW ESTATES

ARTICLE 12

To see if the town will vote to accept a certain parcel of land in the Hills Farm Estates subdivision being Parcel “C” (Open Area) as shown on sheet 5 of 13 of the definitive subdivision plan of “Hills Farm Estates” a cluster-zone development in Shrewsbury, Massachusetts prepared for Hills Farm Development Company, scale 1”=40’, dated December 30, 1987; prepared by Moore Survey & Mapping Corp. 29 Grafton Circle, Shrewsbury, Massachusetts, signed by Town Clerk and Planning Board on June 2, 1988”, and recorded in the Worcester District Registry of Deeds in Plan Book 601, Plan 100, and being more particularly described as follows:

BEGINNING at a point on the easterly sideline of 1997 town layout of Stoney Hill Road, said point being at land now or formerly of Hartford Realty Trust of Shrewsbury:

THENCE S 63°-29’-06” E, 78.59 feet by lot 170, land owned now or formerly of Peter and Camella Viteritti to a point;
THENCE S 44°-50’-57” W, 46.57 feet by land owned now or formerly of Town of Shrewsbury to a point;
THENCE S 44°-15’-59” W, 102.60 feet by land of said Town of Shrewsbury to a point;
THENCE S 43°-30’-12” E, 50.17 feet by land of said Town of Shrewsbury to a point;
THENCE N 63°-29’-05” W, 18.00 feet by lot 169, land owned now or formerly of Judith Evans and John Astill to a point on easterly sideline of said Stoney Hill Road;
THENCE N 26°-30’-54” E, 189.91 feet by the easterly sideline of Stoney Hill Road to the point of beginning.

Said Parcel “C” (Open Area) contains an area of 0.2086± acres of land. All tree and walls, if any, are included in this conveyance.

ARTICLE 13

To see if the Town will vote to accept a certain parcel of land in Winchester Estates II Subdivision located on the easterly side of Memorial Drive (Route# 140), the southerly side of Gold Street and the westerly side of Farmington Drive being Parcel 313 containing 45,096± square feet of land as shown on the plan entitled "Owner : Town of Shrewsbury, acceptance plan of land in Winchester Estates II Subdivision in Shrewsbury, MA Scale: 1 inch = 40 feet, FEB 10 2003, Prepared by M.C.G. Development Services, and being further bounded and described as follows:

PARCEL 313

BEGINNING at a granite bound on the Southerly sideline of Gold Street, at the Northeasterly corner of the herein described premises said point being at a granite bound:

- THENCE Southeasterly, 47.13 feet along a curve to the right having a radius of 30.00 feet to a granite bound on the westerly sideline of Farmington Drive;
- THENCE S 01° 07' 47" W, 49.34 feet to a granite bound on said sideline of Farmington Drive;
- THENCE Southeasterly, 99.25 feet along a curve to the left having a radius of 165.00 feet to a granite bound along said sideline of Farmington Drive;
- THENCE S 33° 20' 00" E, 13.55 feet to a concrete bound at the northerly lot corner # 236 of Halliday;
- THENCE S 56° 40' 00" W, 165.00 feet along the northerly sideline of lot #236 to a concrete bound at the westerly corner of Halliday;
- THENCE N 72° 00' 00" W, 38.42 feet to a point;
- THENCE Continuing S 72° 00' 00" W, 17.02 feet to a concrete bound;.
- THENCE N 11° 00' 00" W, 136.70 feet to a concrete bound on the easterly side of Memorial Drive;
- THENCE Northwesterly 86.34 feet along a curve to the left having a radius of 2040.00 feet to a concrete bound on said sideline of Memorial Drive;
- THENCE Northeasterly, 63.15 feet along a curve to the right having a radius of 40.00 feet to a concrete bound on the southerly sideline of the 1848 TOWN LAYOUT OF Gold Street:
- THENCE S 88° 52' 13" E, 110.24 feet along the 1848 TOWN LAYOUT of Gold Street to a granite bound being the point of beginning.

Said Parcel 313 contains an area of 45,096± square feet of land. All tree and walls and buildings, if any, upon the land taken are included in this taking.

ARTICLE 14

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section VII.M, Lakeway Overlay District, as follows:

M. LAKEWAY OVERLAY DISTRICT

1. Purposes.

The Town shall have a Lakeway Overlay District (LOD) as shown on the Zoning Map entitled, “LAKEWAY OVERLAY DISTRICT, TOWN OF SHREWSBURY,” dated March 2, 2004, on file in the office of the Town Clerk. The purposes of the Lakeway Overlay District are to:

- a. Encourage a mix of commercial, residential, institutional and civic uses in a physical arrangement that is safe for vehicular, pedestrian and bicycle traffic;
- b. Provide viable alternatives to conventional commercial sprawl, thereby assisting the Town in creating and maintaining a vibrant, walkable commercial area;
- c. Promote shared access and appropriate links to adjoining properties, thereby lessening the need for curb openings on Route 9.

Toward these ends, the Planning Board is authorized to apply design guidelines, flexible dimensional regulations and site standards to the review of site plans and special permits in the Lakeway Overlay District, as set forth below.

2. Relationship to Site Plan Review. All permitted and special permitted uses in the Lakeway Overlay District are subject to Article VII, Section F: Site Plan.

3. Definitions.

- a. Mixed-Use Development: Vertical Mix. An integration of commercial and multi-family residential uses in a single structure in which the residential uses are located above the ground floor.
- b. Mixed-Use Development: Horizontal Mix. An integration of commercial and multi-family residential uses in a development comprised of two or more structures on the same lot. The multi-family residential uses may be located above the ground floor of a commercial structure, in separate structures on the same lot, or a combination thereof.

4. Permitted Uses and Structures.

- a. Mixed-Use Development: Vertical Mix. Uses permitted (Y) in the Commercial Business District or Limited Business District, when integrated with one or more of the following uses in a single structure:

1. Dwelling units above the ground floor of a commercial building.
 2. Live-and-work space, e.g. artist's residence and studio.
 3. In a vertical mixed-use development, permitted commercial uses shall constitute at least 30% of the total gross floor area of the structure.
- b. Conversion of a one-family dwelling, existing at the time of the original adoption of this section of the Bylaw, for a permitted retail or office use, or for a combination of permitted retail, office and residential uses.
 - c. No use listed as a prohibited use under Section M.5 of this Bylaw may be included in a vertical mixed-use development or a one-family conversion.

5. Uses and Structures Permitted by Special Permit.

- a. Mixed-Use Development by Special Permit: Horizontal Mix. In the Lakeway Overlay District, the Planning Board may issue a special permit for a development that includes more than one structure on a single lot and integrates permitted or special permitted uses in the Commercial Business District or Limited Business District with the following additional uses:
 1. Multi-family garden-type apartments (SP-PB), subject to a new footnote to Table I:

(28) Multi-family use is allowed as part of a mixed-use development subject to the requirements of Section VII-M. Lakeway Overlay District. Multi-family units may be located above the ground floor of a commercial building, accessed by an entrance separate and distinct from commercial uses, in a multi-family building to the side or rear of the same lot, or a combination thereof. Multi-family building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.
- b. Multi-family townhouse-type structures (SP-PB), subject to a new footnote to Table I:

(29) Use allowed by special permit subject to the requirements of Section VII-M. Lakeway Overlay District.
- c. Marinas.
- d. No use listed as a prohibited use under Section M.5 of this Bylaw may be included in a horizontal mixed-use development.

6. Prohibited Uses.

- a. Single-family detached dwelling.
- b. Hospital or sanitarium.
- c. Stand-alone automatic teller machines (ATM) that provide public access from a drive-up window or outside a building, except when part of a building in which the principal use is a commercial banking establishment.
- d. Restaurants or other places for serving food not confined to service on the premises.

- e. Gasoline service stations.
- f. Garage and repair shops.
- g. Salesrooms for Automobiles and Motor Cycles.
- h. Mortuaries or crematories.
- i. Auditoriums, skating rinks, clubs and other places of amusement or assembly where activities are conducted outside the structure.
- j. Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons.
- k. Any use which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the Town.
- l. Any use not explicitly provided for in this Bylaw.

7. **Dimensional, Setback and Intensity Regulations.**

Uses in the Lakeway Overlay District shall meet the following requirements, subject to the corresponding footnotes to Section VII, Table II:

- a. Minimum Lot Area: 40,000 feet (16)
- b. Minimum Frontage: 150 feet (16)
- c. Front Yard Setback (Maximum Feet): 20 (17)
- d. Side Yard Setback (Feet): None (18)
- e. Rear Yard Setback (Feet): 20 (19)
- f. Additional Area/Dwelling Unit: N/A
- g. Open Space % Lot Area: 15%
- h. Lot Coverage: 50%
- i. Maximum Height (Feet): 35 (20)
- j. Maximum Number of Stories: 3 (20)

Footnotes to Table II:

- (16) Where the underlying district is less than 300 feet in depth, the minimum lot size for uses in the Lakeway Overlay District shall be 20,000 square feet and the minimum frontage, 100 feet.

- (17) The front yard setback in the Lakeway Overlay District is a maximum setback that the Planning Board may waive by special permit only for a development that consists of more than one structure on a single lot and only for structures located to the rear of a lot. No parking shall be permitted in the front yard setback.
- (18) Except 50 feet when abutting a Rural or Residence district.
- (19) Except 50 feet when abutting a Rural or Residence district.
- (20) The Planning Board may, by special permit, authorize a maximum height up of 60 feet and five stories for development that consists of more than one structure on a single lot, provided the taller elevation/s is/are located to the rear of the lot, the structure at the front lot line conforms to the height requirements of Table II, the structure with the taller elevation is for a mix of uses but predominantly residential, and the lot does not abut a Rural or Residence District.

8. **Development Regulations for the Lakeway Overlay District.**

Development, redevelopment and reuse will generally be deemed consistent with the purposes of the Lakeway Overlay District when it meets the following objectives: (a) provides appropriate scale, design, operation and visual character for a New England downtown or central business district, (b) avoids “big box” development, (c) consolidates and minimizes curb cuts, subordinates the location of parking to buildings, and provides exemplary architectural design, (d) strengthens the local economy, (e) encourages pedestrian and bicycle access along major and side streets, and between commercial or mixed-use properties, and (f) encourages people to live, work and shop in Shrewsbury by providing a planned mix of uses.

a. Multi-Family Dwellings

Multi-family garden-type apartments and multi-family townhouse dwellings may be allowed by special permit from the Planning Board when part of a horizontal mixed use development in the Lakeway Overlay District, subject to the following requirements:

- 1. Multi-family garden-type apartments may be located above the ground floor of a building, provided that the ground floor is occupied by permitted or special permitted commercial uses.
- 2. Multi-family garden-type apartments may be allowed in separate buildings located to the side and rear portions of a lot on which the primary structure facing the street contains a vertical mix of commercial and residential uses, provided that no more than 60% of aggregate gross floor area on the lot is for residential uses. The Planning Board may waive the requirement that the primary structure contain a vertical mix of commercial and residential uses when the height of the primary structure is at least 35 feet and two and one half stories. Multi-family building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.
- 3. Multi-family townhouse-type structures may be allowed in separate buildings located to the side and rear portions of a lot on which the primary structure

facing the street contains a vertical mix of commercial and residential uses, provided that no more than 60% of aggregate gross floor area on the lot is for residential uses. The Planning Board may waive the requirement that the primary structure contain a vertical mix of commercial and residential uses when the height of the primary structure is at least 35 feet and two and one half stories. Building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.

4. Multi-family garden-type apartments and multi-family townhouse-type structures must provide affordable housing in accordance with Community Benefits (below).
 5. The maximum number of garden-type apartments or townhouse-type units allowed in a single development shall not exceed the limit in Footnote 5 of Table I, Section VI.
 6. Aggregate maximum gross floor area of garden-type apartments or townhouse-type units approved by special permit from the Planning Board shall not exceed 40% of aggregate gross floor area of all uses in the Lakeway Overlay District, including permitted or special permitted uses in the underlying district.
- b. Site Development; Location of Buildings and Structures

In addition to the requirements of Section VII of this bylaw, the following development regulations apply in the Lakeway Overlay District.

1. Multiple buildings on a single lot. By special permit from the Planning Board, a lot in the Lakeway Overlay District may contain more than one structure with a principal use, but the total amount of development on any lot shall not exceed a gross floor area ratio of 1.5. The Planning Board may grant approval for two or more structures on one lot only upon making a determination that the proposed development:
 - (a) Contains a mix of commercial and residential uses.
 - (b) Meets Lakeway Overlay District Design Guidelines
 - (c) Addresses the criteria under Community Benefits.
- c. Site Plan Submission Requirements

All uses in the Lakeway Overlay District shall be subject to site plan review or site plan approval, as applicable, by the Planning Board. Applications and procedures shall be in accordance with Section VII-F and the following additional requirements for Site Plan Content:

1. Elevations of all proposed buildings, prepared and stamped by a registered professional architect.

2. A landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps and paths, prepared by a registered landscape architect.

d. Site Plan Approval Criteria

The Planning Board shall approve a site plan only upon a determination that the plan meets the requirements of Section VII-F.h and the following additional design criteria for the Lakeway Overlay District. Specifically, the Planning Board shall find that the site plan:

1. Promotes public safety by avoiding pedestrian or vehicular hazards within the site or egressing from it, facilitating access by emergency vehicles and facilitating visual surveillance by occupants, neighbors and passersby.
2. Minimizes curb cuts on existing public ways. Wherever feasible, access to lots in the Lakeway Overlay District shall be provided through one of the following methods: (a) through a cul-de-sac or loop road or common driveway shared by adjacent lots or premises, (b) through joint and cross access between the lot and adjacent uses, (c) through an existing side or rear street, (d) through a cul-de-sac or loop road shared by adjacent lots or premises.
3. Contributes to a visually attractive, pedestrian- and bicycle-oriented image throughout the Lakeway Overlay District by providing appropriate landscaping and walkways along Route 9 and between adjoining properties. In addition:
 - (a) The front yard area should provide pedestrian amenities, such as an accessible patio or sitting plaza, and a continuous landscaped edge to the property in question, except for points of entry and exit. Visual relief from buildings and hard materials shall be accomplished with landscape treatment such as shrubs, trees, flower boxes and other greenery around buildings or in recessed places.
 - (b) If no public sidewalk exists across the frontage of the lot, a paved sidewalk of at least six feet in width shall be provided within the front yard setback and to the maximum extent possible, the sidewalk shall be designed to create a continuous pedestrian walkway with the abutting properties.
 - (c) Parking shall be located to the rear of a building and may be located to the side, provided that no off-street parking is located within 20 feet of the front elevation facing Route 9.
 - (d) Parking areas shall include appropriate, visible facilities for the parking of bicycles.
4. Enhances the natural environment by preserving mature trees where they exist, reducing the volume of earth materials cut or filled, reducing soil erosion during and after construction and reducing the extent of alteration in the amount, timing and location of stormwater runoff from the site.

5. Addresses the Lakeway Overlay District Design Guidelines.

e. Lakeway Overlay District Design Guidelines

The following design guidelines apply to all uses and structures in the Lakeway Overlay District and must be addressed in applications for site plan review or site plan approval, as applicable.

1. General. The elements on a building's elevations are crucial to its overall architectural quality, its presence and contribution to the surrounding area. A two- to two-and-one-half story elevation is preferred for structures facing Route 9, but a three-story elevation is acceptable. Taller elevations may be approved for structures located to the rear of a lot. In addition, a pleasing, symmetrical arrangement of windows, entrances, trim, shutters and other details, and proportionality of these features, creates a rhythm that will accomplish the town's objectives for the Lakeway Overlay District. Generally, buildings must contribute to a sense of continuity and coherence for all who visit, shop or work there. Architectural diversity is encouraged as long as individual design solutions are compatible with the purposes of the Lakeway Overlay District as a compact, mixed-use area with a strong visual definition.
2. Site context. Recognizing that major visual exposure comes not only from the building front, applicants must give full attention to the treatment of sidewalks, landscaping, parking areas and the building wall at the rear and sides.
3. Orientation. Buildings should not turn their backs to the street. They should face the street, and may be oriented around a courtyard or respond in design to a prominent feature, such as a corner location. Buildings and site design should provide an inviting entry orientation.
4. Size, mass, facades and exterior features. No single structure may exceed 80,000 gross square feet. A single building with a width of more than 60 feet facing the street shall be divided visually into sub-elements which, where appropriate, express the functional diversity within the building. In addition, all buildings shall:
 - (a) Provide continuous visual interest, emphasizing such design features as bay windows, recessed doorways, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings or canopies.
 - (b) Avoid unarticulated and monotonous building facades and window placements, regular spacings, and building placements that will be viewed from the street as continuous walls.
 - (c) Provide human-scale features, especially for pedestrians and at lower levels and from a pedestrian viewing distance.
5. Accommodation of taller buildings. Taller buildings must be located away from Route 9 and from abutting and off-site residential areas.

6. Exterior materials. Exterior materials may include painted clapboard, wood shingles, brick or materials of comparable appearance, subject to approval by the Planning Board. Neutral or earth-tone colors are appropriate, but brighter colors may be applied to building trim with approval of the Planning Board. Variation in materials, appropriate colors and textures is encouraged when they contribute to the purposes of the Lakeway Overlay District. Rough, imitation or reflective materials such as unpainted wood, field stone, stucco, smooth-face concrete, exposed metal, imitation materials, mirror glass, porcelain enamel or polished stone are prohibited unless authorized by special permit from the Planning Board.
7. Rooflines and roof features. A flat or nearly flat roof is prohibited on any building facing the street in the Lakeway Overlay District, except as provided below.
 - (a) Structures facing Route 9 should have a simple gable roof with an average slope of 6 over 12. A structure that fronts on and faces a side street should have a simple gable roof with a pitch of at least 8 over 12, or a gambrel or a hip roof. The roof trim should have depth and projection of details.
 - (b) The Planning Board may grant a special permit to authorize a flat-roof design on a structure facing Route 9, provided that a flat roof structure shall be capped by an articulated parapet design that acts as a structural expression of the building façade and its materials.
 - (c) For other structures, roof features should complement the character of adjoining development and meet the purposes of the Lakeway Overlay District. Roofs shall, at a minimum, have articulated parapets concealing flat roofs and rooftop equipment, (such as HVAC units) which are visible from adjoining public streets or properties. Parapets or facades shall be designed to give the appearance of three or more roof slope planes.
8. Environmental design. Applicants are encouraged to use green building technologies and materials, wherever possible, to limit environmental impacts.
9. Large retail development. Large retail developments of more than 50,000 square feet of floor area shall provide outdoor spaces and amenities to link structures with surrounding areas in the Lakeway Overlay District. Passenger drop-off/pick-up points shall be integrated with traffic patterns on the site. Special design features shall enhance the building's function as a center of activity within the District. Each large retail development shall provide at least one of the following design features, which shall be constructed of materials that match the principal structure and linked by sidewalks to the principal structure:
 - (a) Patio/seating area.
 - (b) Pedestrian plaza with benches.
 - (c) Window shopping walkway.
 - (d) Play areas.
 - (e) Kiosk area.

- (f) Water feature or clock tower.
- (g) Other focal feature approved by the Planning Board.

f. Community Benefits

The Planning Board may grant a special permit for a mixed-use development that includes multi-family garden-type apartments or multi-family townhouse-type structures when the development provides community benefits. For purposes of this bylaw, “community benefits” shall include low- or moderate-income affordable housing and one of the additional benefits described below.

1. Low-income affordable housing. A mixed-use development shall provide 10% of the dwelling units as affordable in perpetuity to households with incomes below 80% of area median income as determined by the U.S. Department of Housing and Urban Development (HUD). “Affordable” shall account for adjustments to income based on household size/s suitable for the proposed dwelling units, as presented in the formula for below-market housing.
2. For mixed-use developments that receive a special permit on the condition of including low-income affordable units, no occupancy permit shall be issued for until:
 - (a) An affordable housing use restriction or regulatory agreement approved by the DHCD Local Initiative Program (760 CMR 45.00) has been recorded at the Registry of Deeds.
 - (b) Applicants provide evidence acceptable to the town that the unit/s has/have been approved by the DHCD Local Initiative Program (760 CMR 45.00) for listing on the Chapter 40B Subsidized Housing Inventory.
3. Neighborhood or community facility. A mixed-use development shall also provide a neighborhood or community facility, i.e., a facility open and available to residents of nearby neighborhoods or the town, and meets community needs as determined by the Planning Board. A neighborhood or community facility may include:
 - (a) A small public park with furnishings and pathways accessible to persons with disabilities.
 - (b) A tot lot or small neighborhood playground, with furnishings and pathways accessible to persons with disabilities.

- (c) A bandstand.
- (d) A fee in lieu of neighborhood or community facilities paid to the Lakeway Overlay District Fund. The fund shall be the town's use to provide streetlights, sidewalks, trash receptacles, parking and public realm improvements in the Lakeway Overlay District, in accordance with a fee schedule approved by the Planning Board.

9. **Special Permits in the Lakeway Overlay District.**

The special permit Granting Authority (SPGA) for uses and structures in the Lakeway Overlay District shall be the Planning Board.

- a. Requirements. An application for a special permit in the Lakeway Overlay District shall include a written description of the proposal for which a special permit is requested and a Site Plan prepared by a Registered Professional Engineer and/or Registered Land Surveyor at an appropriate scale to clearly show dimensions, legend, and all other information deemed necessary to describe the site and its conditions. The application and accompanying plan(s) shall be of size, form, number and contents specified in the Lakeway Overlay District Submission Requirements and Procedures, adopted by the Planning Board and filed with the Town Clerk. After adoption of this Bylaw, the Planning Board shall prepare and adopt the Lakeway Overlay District Submission Requirements and Procedures following a public hearing.
- b. Site Plan Approval. The site plan approval requirements of Section VII.F(3) of this Bylaw shall apply to special permitted uses in the Lakeway Overlay District. For uses allowed by special permit, site plan review shall be conducted concurrently with the special permit application, review and determination procedures.
- c. Special Permit Granting Criteria. The Planning Board may approve a special permit for a proposed use or structure upon finding that the application complies with the purposes of this Bylaw, to the degree consistent with a reasonable use of the site for the purpose permitted within the Lakeway Overlay District. In making its decision, the Planning Board shall consider the following criteria:
 - 1. Compliance with the Shrewsbury Zoning Bylaw
 - 2. Consistency with the Shrewsbury Master Plan.
 - 3. Consistency with "Lakeway Overlay District Design Guidelines" in Section 8.e of this Bylaw.
 - 4. The degree to which the applicant has preserved and enhanced a historically significant building or other historic or cultural resource, where applicable.

5. The degree to which the applicant's proposal provides logical, safe pedestrian connections to other uses nearby.
6. Protection of adjoining premises against detrimental or offensive uses on the site.
7. Adequacy of space for vehicular access to the site and off-street parking and loading/unloading on the site.
8. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways and land.
9. Adequacy of water supplies and distribution for domestic use fire protection.
10. Adequacy of the methods of storage and disposal for sewage, refuse and other wastes resulting from the uses permitted on the site and the methods of drainage or retention of surface water..

10. Off-Street Parking.

- a. Off-street parking shall be provided in accordance with Section VII.D, Off-Street Parking and Loading Regulations, except that in the Lakeway Overlay District, applicants may seek relief from strict compliance with the off-street parking requirements of this Bylaw by obtaining a special permit from the Planning Board.
- b. The Planning Board may grant relief by issuing a special permit to:
 1. Reduce the number of required parking spaces.
 2. Accept from the applicant a payment in lieu of parking spaces to the Lakeway Overlay District Fund.
 3. Authorize a combination thereof.

11. Use Variances

Use variances are not permitted in the Lakeway Overlay District.

ARTICLE 15

To see if the Town will vote to amend SECTION VI – USE REGULATIONS Table I Use Regulation Schedule as follows:

- 1) Delete the following row from Section VI, Table I

Table I

Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Banking machines, as stand-alone structures, or where public access is available via drive-up windows or from outside a building.	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP

and insert the following row in its place

Table I Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Banking machines, as stand-alone structures, or where public access is available via drive-up windows or from outside a building.	N	N	N	N	N	N	N	N	SP (27)	SP (27)	SP	SP	SP	SP

- 2) Delete the following row from Section VI, Table I

Table I Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Restaurants or other places for serving food not confined to service within the structure.	N	N	N	N	N	N	N	N	N	SP	N	N	N	N

and insert the following row in its place

Table I Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Restaurants or other places for serving food not confined to service within the structure.	N	N	N	N	N	N	N	N	N	N	SP (27)	N	N	N

- 3) Delete the following row from Section VI, Table I

Table I
Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons (16)	N	N	N	N	N	N	N	N	N	N	SP	N	N	N

and insert the following row in its place

Table I
Use Regulation Schedule

	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LI (8)	NB	O-R	LO-R
Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons (16)	N	N	N	N	N	N	N	N	N	N	SP (27)	N	N	N

- 4) In Section VI, Table I – Use Regulation Schedule, add the following footnote

(27) Banking machines, as stand-alone structures; Restaurants or other places for serving food via drive through window; and Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons shall be prohibited within the Commercial Business (CB) and Limited Business (LB) districts identified on the map included in section VII, Subsection M – Lakeway Overlay District, entitled “LAKEWAY OVERLAY DISTRICT, TOWN OF SHREWSBURY”.

ARTICLE 16

To see if the Town will vote to amend SECTION VII – DEVELOPMENT OF SITES AND LOCATION OF BUILDINGS AND STRUCTURES Table II as follows:

- 1) Delete the following row from Section VII, Table II

TABLE II

[MINIMUM REQUIREMENTS]										[MAXIMUM CONDITIONS]
DISTRICT	Lot Area ⁽¹⁰⁾ Height Sq. Ft.	Lot ⁽¹⁾ Number Frontage	Front ⁽²⁾ Yard	Side ⁽³⁾ Yard	Rear Yard	Add'l Area Per ⁽⁵⁾ DwellingUnit	Open Space Percent of Lot Area	Lot Coverage Percent	Feet	Stories
Limited Business All Uses	12,500	100	15 ⁽⁴⁾	15*	15*	--	15	40	35	2-1/2

*except 50 when abutting a Residential District

and insert the following row in its place

Limited Business All Uses	12,500	100	15 ⁽⁴⁾	15*	15*	--	15	50	35	2-1/2
------------------------------	--------	-----	-------------------	-----	-----	----	----	----	----	-------

*except 50 when abutting a Residential District

- 2) Delete the following footnote from Section VII, Table II

- 4) Except fifty (50) feet when fronting on Route 9 and Route 20.

and insert the following footnote in its place

- 4) Except fifty (50) feet when fronting on Route 20.

ARTICLE 17

To see if the Town will vote to amend SECTION VII – DEVELOPMENT OF SITES AND LOCATION OF BUILDINGS AND STRUCTURES Subsection B Area, Frontages, Yard and Lot Coverage

Requirements: by amending paragraph 5 by deleting the number “50” in the last clause and insert in place thereof the number “20”.

ARTICLE 18

To see if the Town will vote to authorize the Board of Selectmen to submit a Home Rule Petition to the General Court, in substantially the following form:

LAKEWAY OVERLAY DISTRICT FUND

Section 1. The Town of Shrewsbury may establish a separate fund to be known as the Lakeway Overlay District Fund for the purpose of providing streetlights, sidewalks, trash receptacles, parking and public realm improvements in the Lakeway Overlay District as defined by Section VII.M of the Shrewsbury Zoning Bylaw.

Section 2. All the expenditures from the fund shall be used for public improvements that enhance, revitalize, improve, beautify, or increase pedestrian safety in the Lakeway Overlay District. The following are eligible uses of the Lakeway Overlay District Fund:

- a) Acquire and improve land for off-street parking, including surface parking lots and structured parking;
- b) Acquire, install and maintain public amenities, including but not limited to sidewalks, benches, trash receptacles, street lights, landscaping and plantings, and directional or informational signage and kiosks.
- c) Acquire, improve, manage, or convey by lease or sale real property in the Lakeway Overlay District for purposes consistent with the Shrewsbury Master Plan, Capital Improvements Plan, or any other plans, studies or programs authorized and approved by the Planning Board to address the economic development, land use, or transportation needs of the Lakeway Overlay District.

Expenditures shall be authorized by a majority vote of town meeting upon a favorable recommendation of the Planning Board and the Board of Selectmen. The Town Manager shall be responsible for carrying out all expenditures authorized by town meeting.

Section 3. As a means of providing available assets for the fund, all monies received by the Town through the following means shall be paid over to and become a part of the fund for the purposes set forth in this act:

- a) Cash payments made by developers to the Town pursuant to Section VII.M of the Shrewsbury Zoning Bylaw.
- b) Gifts, grants, donations, contributions or other cash payments made to and accepted by the Town for the purpose of carrying out public improvements in the Lakeway Overlay District.

Section 4. Real property interests acquired or conveyed by the Town under this act shall be in accordance with Section 16 of chapter 30B of the General Laws, unless exempt under Section 1 of said chapter 30B or under other laws of the Commonwealth.

Section 5. The Town Treasurer shall be the custodian of the fund and shall invest the funds in the manner authorized by Sections 55, 55A and 55B of chapter 44 of the General Laws. Any income or proceeds received from the investment of funds shall be credited to and become part of the fund.

ARTICLE 19

To see if the town will vote to amend the General By-Laws of the Town of Shrewsbury by adding the following new Article:

ARTICLE 20

POSSESSION OF WEAPONS BY MINORS IN PUBLIC PROHIBITED

SECTION 1. No minor under the age of eighteen shall have an air rifle, BB gun, or paint ball gun in his possession while in any place to which the public has a right of access unless he is accompanied by an adult or unless he is the holder of a sporting or hunting license and has on his person a permit from the chief of police of the town in which he resides.

SECTION 2. No person under the age of eighteen shall discharge a BB shot, pellet, paint ball or other object on, from or across any street, alley, or public way or in any place to which the public has a right of access.

SECTION 3. A police officer witnessing a violation of this by law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

SECTION 4. Whoever violates this section shall be punished by a fine of not more than one hundred dollars, and the air rifle, BB gun, or paint ball gun shall be confiscated. Upon conviction of a violation of this section and by the written authority of the court the weapon shall be destroyed.

or take any action in relation thereto.

ARTICLE 20

To see if the town will vote to amend the General By-Laws of the Town of Shrewsbury by adding the following new Article:

9-D Motorized Scooters Prohibited

SECTION 1. No person shall operate a motorized scooter, motorized skateboard, or other similar motorized motor vehicle on any public way, sidewalk, playground, property of the Town of Shrewsbury ,or private property without the permission of the owner.

SECTION 2. A police officer witnessing a violation of this by law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

SECTION 4. Whoever violates this section shall be punished by a fine of not more than one hundred dollars.

or take any action in relation thereto.

ARTICLE 21

To see if the town will vote to amend **Article 11-B HAWKERS AND PEDDLERS** of the General By-Laws of the Town of Shrewsbury by adding the following new Section:

SECTION 8. A police officer witnessing a violation of this by law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

or take any action in relation thereto.

ARTICLE 22

To see if the town will vote to amend **Article 11-D SOLICITOR/CANVASSER** of the General By-Laws of the Town of Shrewsbury by amending Section 3 by increasing the fee from \$2.00 to \$25.00 and by adding the following new Section:

SECTION 11. A police officer witnessing a violation of this by law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

or take any action in relation thereto.

ARTICLE 23

To see if the town will vote to amend **Article 11-I NEWSPAPER DISPENSING DEVICES PERMIT AND APPLICATION** of the General By-Laws of the Town of Shrewsbury by amending Paragraph A. by deleting it in its entirety and inserting in place a new Paragraph A. as follows:

- A. The term “newspaper/advertising dispensing device” as used in this section, shall mean a mechanical container constructed of metal, vinyl, or other material of substantially equivalent strength and durability, not more than fifty inches in height and not more than twenty-six inches in length and width.

and by amending Paragraph B.(6.) by deleting it in its entirety and inserting in place a new Paragraph B.(6.) as follows:

6. in any location where three (3) such devices are already located

and by amending Paragraph B. by inserting a new Paragraph B.(7.) as follows:

7. where chained to any utility pole, street sign, or any other property belonging to or maintained by the Town of Shrewsbury.

ARTICLE 24

To see if the town will vote to amend **Article 4 TOWN BOARD AND DEPARTMENTS** of the General By-Laws of the Town of Shrewsbury by adding the following new Article:

4-M TOWN CLERK

SECTION 1. The Selectmen shall appoint a Town Clerk. Appointment shall be for a three-year period, or until a successor is appointed and qualified, except that the first appointment shall be for the period beginning with the annual election of officers in 2006, and ending on the first Monday in March, 2009. Thereafter appointments shall be made on or before the first Monday in March in each third year.

SECTION 2. The town clerk shall be a person especially fitted by education or training in public or business administration and by previous experience in work associated with local government record keeping and/or elections.

SECTION 3. The town clerk may be removed by the Selectmen for cause, after such notice and hearing as they may deem advisable.

SECTION 4. In the event of a vacancy in the office of the town clerk the Selectmen shall appoint a successor to hold such office until the expiration of the term for which the original appointment was made.

SECTION 5. The town clerk shall exercise all powers and undertake all duties and responsibilities as set forth in General Laws, Chapter 41 or any other Chapter relating to the duties and responsibilities normally associated with that of an elected town clerk except as modified by this Article.

SECTION 6. The town clerk shall pay all fees received by virtue of the office into the Town Treasury.

ARTICLE 25

To see if the Town will authorize the Board of Selectmen to sell under such terms and conditions deemed appropriate a parcel of land with single family residence situated thereon located at 52 Holden Street.

ARTICLE 26

To see if the Town will raise and appropriate or transfer from available funds in the Treasury, a sum of money for the construction of storm or surface drains and for the acquisition of all necessary easements.

ARTICLE 27

To see if the Town will raise and appropriate or transfer from available funds in the Treasury, a sum of money for the construction, reconstruction, repair and maintenance of sidewalks and curbing and for the acquisition of all necessary easements.

ARTICLE 28

To see if the Town will appropriate a sum of money for the purpose of laying out and constructing a system of main drains, common sewers, sub-drains, connections and other works as may be required to further the construction of a system or systems of sewerage, including acquiring land or easements which may be necessary in connection therewith, or otherwise providing for furthering the construction of such system of sewerage, and determine how any such appropriation shall be raised; by borrowing, by taxation, by transfer from available funds in the Treasury, by appropriation of balance from appropriations hitherto made, but not used, or

otherwise, and authorize the Board of Sewer Commissioners, acting for and on behalf of the Town to layout and construct said main drains and common sewers, acquire land or easements in

connection therewith which may be authorized by Chapter 502 of the Acts of 1954 as amended, or take any other action relative thereto, including the acceptance and expenditure of a grant from the state for this purpose.

ARTICLE 29

To see if the Town will vote to transfer from the Sewer Surplus Account a sum of money to fund improvements and repairs to the Rolfe Avenue Sewer Lift Station and related appurtenances.

ARTICLE 30

To see if the Town will vote to transfer from the Sewer Surplus Account a sum of money to fund all costs associated with general improvements and repairs to the municipal sewer system and related appurtenances that are associated with an ongoing infiltration and inflow (I&I) reduction program.

ARTICLE 31

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money for the improvement of the water system including extension, relocation and relaying of water mains and replacement or improvement of water system appurtenances, buildings and equipment and authorize the Board of Selectmen to acquire land or easements in connection therewith.

ARTICLE 32

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money to fund architectural, engineering, surveying, testing, appraisal or other costs associated with the design development of a new Fire Department headquarters and repairs and improvements to the current Fire Headquarters and Station Number Two and to authorize the creation of a building committee to effect the purpose of this article consisting of a member of the Board of Selectmen, the Town Manager, the Fire Chief, the Superintendent of Public Buildings and three residents to be appointed by the Board of Selectmen.

ARTICLE 33

To see if the Town will vote to authorize the Board of Selectmen to acquire for municipal purposes by gift, purchase or eminent domain, under such terms and conditions deemed appropriate by the Board, a parcel of land on the south side of Hartford Turnpike (Route 20)

presently owned by James F. Lomma as shown in a deed in the Worcester District Registry of Deeds in Book 11012, Page 309 and to determine how such sum of money necessary to fund the acquisition of this parcel and related expenses and fees is to be raised whether by appropriation, transfer from available funds in the Treasury and/or by borrowing under the provisions of General Laws, Chapter 44, section 7(3), as amended.

ARTICLE 34

To see if the Town will vote to raise and appropriate or transfer from available funds in the Treasury a sum of money to fund architectural, engineering, surveying, testing, appraisal or other costs associated with design development for an addition to and for renovations and improvements of the Sherwood Middle School and to authorize the creation of a building committee to effect the purpose of this article consisting of a member of the Board of Selectmen, the Town Manager, the Superintendent of Schools, the Superintendent of Public Buildings and three residents to be appointed by the Board of Selectmen.

ARTICLE 35

To see if the Town will authorize the use of a revolving fund for the operation and maintenance of the Donahue Rowing Center under the provisions of Chapter 44, Section 53E 1/2 of the General Laws.

ARTICLE 36

To see if the Town will authorize the use of a revolving fund for the operation and maintenance of a bus operated by the Council on Aging under the provisions of Chapter 44, Section 53E 1/2 of the General Laws.

ARTICLE 37

To see if the Town will raise and appropriate a sum of money for counseling and educational services to families.

ARTICLE 38

To see if the Town will vote to accept a sum of money from the Commonwealth of Massachusetts in accordance with Chapter 246 of the Acts of 2002 and transfer said funds to the Highway Department.

ARTICLE 39

To see if the Town will appropriate a sum of money to the Stabilization Fund and to determine whether such sum shall be raised by taxation or transferred from available funds in the Treasury or from the balances of appropriations hitherto made but not used.

ARTICLE 40

To see if the Town will accept a sum of money from the Municipal Light Department CATV division and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for the fiscal period beginning July 1, 2004.

ARTICLE 41

To see if the Town will accept a sum of money received from the Municipal Light Department in lieu of taxes, and appropriate said sum to the use of the Board of Assessors in fixing the tax rate for the fiscal period beginning July 1, 2004.

ARTICLE 42

To see if the Town will transfer from available funds in the treasury a sum of money and appropriate said sum for the use of the Board of Assessors in fixing the tax rate for the fiscal period beginning July 1, 2004.

And you are directed to serve this Warrant by posting an attested copy thereof at the Municipal Office Building on Maple Avenue and at the Post Office on Boston Turnpike (Rte. 9) in said Shrewsbury fourteen days at least before the time of holding said meeting. Fail not and make due return on this Warrant with your doing thereon to the Town Clerk of Shrewsbury before the meeting aforesaid.

Given under our hands this 22nd day of March, 2004.

BOARD OF SELECTMEN

Worcester, ss

Shrewsbury, Massachusetts

This is to certify that I have served the foregoing Warrant by posting an attested copy thereof at the Municipal Office Building on Maple Avenue and at the Post Office on Boston Turnpike (Rte. 9), in said Shrewsbury, as therein directed, fourteen days before the time of holding said meeting.

Constable